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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/723,480

11/28/2000

Dave McDysan

RIC00044

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01/19/2005

MCI, INC

TECHNOLOGY LAW DEPARTMENT
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EXAMINER

BATES, KEVIN T

ART UNIT

PAPER NUMBER

2155

DATE MAILED: 01/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/723,480

Applicant(s)

MCDYSAN ET AL.

Examiner

Kevin Bates

Art Unit

2155

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 19 November 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ they raise the issue of new matter (see Note below);
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1-40.

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Continuation of 5. does NOT place the application in condition for allowance because: Regarding the argument to claim 1, the applicant argues that the reference, Gibson does not disclose a control message specifying a configuration and processing a service in accordance with the configuration. The examiner disagrees, because as seen in Column 24, lines 28 - 34 and Column 9, lines 32 - 34, Gibson discloses a system where the access node receives a user or application request for a new session which is a service, the access node sends a message to the control manager, the control manager takes the necessary actions to create a MPLS service for the user or application and inform all nodes of the new label and session, from that point on all the nodes in the system route the session based on the configuration that the control setup.

Regarding the argument to claim 26, the applicant argues that there is no explication about the rejection, because the rejection states that the reference does not indicate the limitation. The examiner notes that the does not indicate is a typo in the action, and that the reference does teach the limitation based on the Column 9, lines 32 - 37 as noted in the rejection.

Regarding the argument to claim 14, the applicant argues that the reference, Gibson does not disclose a session deletion message, but the issue of a BYE message, indicates to the system that the session is done and the configurations that enabled the MPLS for that session are now outdated and the entire network is notified that the session is over thus deleting the session from the network.

Regarding the argument to claim 10, the applicant argues that the combination of Gibson and Gai does not disclose output buffers. The examiner disagrees, as seen in Column 6, lines 19 - 30, of the reference Gai, the combination includes a shaper and a queue, which buffers outputs.

Regarding the argument to the combination of Gibson and Gai, as seen in the motivation that access lists increase security of an access device, while it may decrease the speed of a system, it prevents further prevents unauthorized access thus improving performance in the long run.

Regarding the argument to the combination of Gibson and Nilakantan, the applicant argues that the combination would not make sense since Gibson does not disclose access nodes. The examiners disagrees, Gibson's end nodes are the same thing as access nodes, and perform the same functions.

Regarding the argument to the combination of Gibson and Haas, the applicant argues that there is no motivation to use Haas's teachings in Gibson's system. The examiner disagrees, because Haas uses a retransmission policy in order to reduce traffic in a network and that policy would help any network that may have problems with having too many retransmissions such as Gibson's.


HOSAIN ALAM
ADVISORY PATENT EXAMINER